

P O R T E R | S C O T T

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Attorneys for Defendant SHASTA COUNTY

(Exempt from Filing Fees Pursuant to Government Code § 6103)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID COUCH, Sr., and JEANELLE
COUCH; both individually and as successors
in interest to DAVID COUCH, Jr.,
Decedent,

Plaintiffs,

v.

STATE OF CALIFORNIA, by and through
CALIFORNIA HIGHWAY PATROL;
RYAN CATES; SHASTA COUNTY; and
DOES 1-20, inclusive,

Defendants.

Case No. 2:24-cv-00481-TLN-AC

**DEFENDANT SHASTA COUNTY'S
NOTICE OF MOTION TO SEVER**

Date: May 2, 2024

Time: 2:00 p.m.

Courtroom: 2, 15th Floor

NOTICE IS HEREBY GIVEN that on May 2, 2024, Defendant SHASTA COUNTY will move for an order severing the action against it and its employees (alleged as Does 11-20) under Rule 21 of the Federal Rules of Civil Procedure on the grounds that the action against it and its employees do not arise out of the same transaction or occurrence as those claims against the CHP, do not present some common questions of law or fact, that no settlement of the claims or judicial economy would be facilitated by keeping the two occurrences in the same case, and because prejudice would be avoided if severance were granted; and there are different witnesses and documentary proof are required for the

1 separate claims.

2 This Motion will be based on this Notice of Motion, Memorandum of Points and Authorities, the
3 pleadings and records on file in this matter, and on any evidence, including oral and documentary
4 evidence, that may be presented at any later point including the hearing on the motion.

5 Respectfully submitted,

6 Dated: March 6, 2024

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8 By /s/ John R. Whitefleet
9 John R. Whitefleet
Attorneys for Defendant Shasta County